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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,079	07/11/2001	Dominique Gerrand	VMF-492-A	6834

7590                    09/12/2002

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EXAMINER

SMITH, JULIE KNECHT

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/889,079

Applicant(s)

GERRAND ET AL.  


Examiner

Julie K Smith

Art Unit

3682

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply****A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 11 July 2001.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 12-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 12-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 11 July 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 19 recites the limitation "the stop means" in line 2. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 19 recites the limitation "the fixation means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

5. Claims 12-15 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (4,713,568) in view of Adams (4,049,856).

Regarding claim 12, Adam et al. discloses a motor vehicle gear motor comprising a core motor (4) and a reduction gear base (3), the core and base having metal parts, characterized by comprising a joint (4) interposed between the core and the base. Adam et al. is silent as to the composition of the joint. However, Adams teaches a joint (5) including a sealing material and a metal element (9) that contact metal parts of a core and base.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the gear motor of Adam et al. with the seal of Adams so as to provide a seal between the core and base that serves as a means to align the core and base while providing an electrical contact between the core and base while protecting against chemical erosion thus increasing the life expectancy of the mechanism.

Although Adam et al. does not disclose the gear motor being used for a wiper application, it would have been obvious to one skilled in the art at the time the invention was made to use the gear motor for a wiper application as the motor can be used for various functions within an automobile.

Regarding claims 13-15 and 21, Adams teaches the plastic seal having several fixation orifices (6,7,8) adjoining the embedded metal elements (9), the two metal elements being disjointed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the gear motor of Adam et al. of with the seal of Adams so as to provide a seal with several fixation orifices for a secure connection between the seal and motor. It would have further been obvious to provide the orifices with embedded metal elements so as to prevent the orifice from tearing or becoming disfigured as well as preventing major breakdown of the machine.

Regarding claim 20, Adam et al. discloses the core and base having a cylindrical sector (see figs. 3 and 5) the joint having an opening (see fig. 9), able to receive the cylindrical sector, and a stop (42,43) projecting into the opening.

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6. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. in view of Adam as applied to claims 12-15 and 20-21 above, and further in view of Kuribara et al. (5,004,090).

Regarding claims 16-18, Adam et al. discloses a gear motor with definitive fixation means for the joint to the core motor (21,22,23) as claimed, but does not disclose temporary fixation means as claimed by Applicant. However, Kuribara et al. teaches a temporary clipping lug (35, see figs. 4 and 5) on a joint (30), the lug having an access orifice in order to remove the temporary fixing means.

Therefore, it would have been obvious to one of ordinary skill in the art to provide the joint of the reference combination set forth above with a temporary clipping lug so that the joint could be temporarily attached to the gear motor housing and then attached to the base. This method of assembling the motor would reduce the complexity of assembling the apparatus and ensure that the base and housing were properly aligned so as to provide a tight seal between the two portions to save maintenance cost by preventing fluid leakage. It would have further been obvious to provide an access orifice in the lug so as to provide a way to release the lug once the definitive fixing means had been secured.

With respect to claim 22, it should be noted that the applicant defines the product in terms of a process by which it is made is nothing more than a permissible technique the applicant may use to define the invention since there is no structural difference is required.

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***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

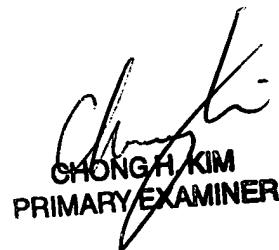
5,364,109 to Sihon	5,368,316 to Miyaoh
5,094,468 to Hieble	5,015,897 to Inagaki et al.
5,875,681 to Gerrund et al.	4,885,948 to Thrasher, Jr. et al.
4,892,320 to Tuckmantel	4,577,824 to Druffel et al.
5,004,249 to Grosch et al.	5,544,901 to Kubouchi et al.
5,727,791 to Weiss et al.	6,073,936 to Kirchmann et al.
5,883,441 to Danish et al.	5,770,907 to Danish et al.
5,074,613 to Unterborn et al.	DE 198 47 335 A1 to Schmitt et al.
DE 42 31 434 A1 to Blume	

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Smith whose telephone number is 703-305-3948. The examiner can normally be reached on Monday-Friday, 8-5:30, (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703-308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

JKS  
jks  
September 9, 2002

  
CHONG H. KIM  
PRIMARY EXAMINER